

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 AMERICAN FINANCIAL SERVICES
5 ASSOCIATION, NEVADA CREDIT UNION
6 LEAGUE, and NEVADA BANKERS
ASSOCIATION,

7 Plaintiffs,

8 v.

9 MARY YOUNG, in her official capacity as
10 Commissioner of the Financial Institutions
Division of the Nevada Department of Business
and Industry, and AARON FORD, in his official
11 capacity as Nevada Attorney General,

12 Defendants.

Case No. 2:19-CV-01708-APG-EJY

ORDER

13 Before the Court is Defendants' Motion to Stay Discovery Until After a Decision is Rendered
14 (ECF No. 24) and Plaintiff's Notice of Non-Opposition thereto (ECF No. 26). Also before the Court
15 is Plaintiff's Discovery Plan and Scheduling Order (ECF NO. 25).

16 Defendants' contend that a stay of discovery in this matter is appropriate because their
17 Motion to Dismiss (ECF No. 13) is based on subject matter jurisdiction, which is case dispositive
18 and can be decided without additional discovery. ECF No. 24 at 3. Plaintiffs agree that a stay of
19 discovery is appropriate in this case. ECF No. 26 at 2.

20 A motion to stay discovery, while far from automatic, is appropriate when there is no need
21 for further exploration of facts, and issues before the Court in a motion are questions of law the
22 outcome of which are potentially dispositive. *Tradebay, LLC v eBay, Inc.*, 278 F.R.D. 597, 602 (D.
23 Nev. 2011). A "preliminary peek" at Defendants' Motion to Dismiss shows that it is potentially
24 dispositive of this dispute. *Id.* at 603. All other factors also support to stay to which the parties
25 agree. ECF Nos. 24 and 26.

26 Accordingly,

27 IT IS HEREBY ORDERED that Defendants' Motion to Stay Discovery Until After a
28 Decision is Rendered (ECF No. 24) is GRANTED.

1 IT IS FURTHER ORDERED that Plaintiffs' Discovery Plan and Scheduling Order (ECF
2 No. 25) is DENIED, without prejudice, as moot.

3 IT IS FURTHER ORDERED that if Defendants do not prevail in full on their Motion to
4 Dismiss, the parties shall file a joint proposed discovery plan and scheduling order within 15
5 calendar days of the Court's order on the Motion to Dismiss.

6
7 DATED: December 23, 2019

8
9
10 
11 ELAYNA J. YOUCHAH
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28